



Initial determination of acceptability of a facility being considered for the off -site treatment, storage, or disposal of CERCLA waste

Region2 OSR to: rrodriguez

05/21/2013 05:07 PM

Sent by: **Beckett Grealish**

Cc: mariarodriguez

Bcc: Mark Pane, Leilani Davis, Colin Oldland, Geoffrey Garrison

From: Region2 OSR

To: rrodriguez@wm.com

Cc: mariarodriguez@jca.gobierno.pr

Bcc: Mark Pane/R2/USEPA/US@EPA, Leilani Davis/R2/USEPA/US@EPA, Colin Oldland/R2/USEPA/US@MSO365, Geoffrey Garrison/R2/USEPA/US@MSO365

René R. Rodriguez
Owner's Authorized Representative
Peñuelas Valley Landfill, Inc.
Road 385 KM 4.5, Tallaboa Ward
Peñuelas, PR 00624

Dear Mr. Rodriguez:

This email is in response to your February 6, 2013 request to the United States Environmental Protection Agency (EPA), for a determination of acceptability to receive wastes under Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, 42 U.S.C. §§ 9601-9675 (CERCLA), and the associated regulations in 40 C.F.R. Part 300 (hereinafter, the Off-Site Rule) for the Peñuelas Valley Landfill, Inc. facility located at Road 385 KM 4.5, Tallaboa Ward, in Peñuelas, Puerto Rico.

Section 121(d)(3) of CERCLA requires that in the case of any removal or remedial action under CERCLA, any hazardous substance or pollutant or contaminant may only be transferred to a facility operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable federal law and state requirements. That section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment. These principles are interpreted in the Off-Site Rule, set forth in the National Contingency Plan (NCP), at 40 CFR § 300.440. The purpose of the Off-Site Rule is to prevent wastes from CERCLA response actions from contributing to present or future environmental problems. Compliance with the Off-Site Rule ensures that CERCLA wastes are directed to management units determined to be environmentally sound and deemed acceptable by EPA.

Pursuant to 40 CFR Section 300.440, EPA has completed its determination of acceptability evaluation and has found that the Peñuelas Valley Landfill, Inc. facility is acceptable to receive waste from CERCLA sites. EPA's acceptability determination is contingent upon the following:

- This acceptability determination is based on the assumption that only wastes which comply with the permits issued to the Peñuelas Valley Landfill, Inc. facility will be accepted. It is the facility's responsibility to review any proposed waste streams for compliance with its permits.
- This determination is based on the available information at the time of the review and is subject to change in accordance with the procedures in 40 CFR Section 300.440 (d).

Please note your status could be changed if at any time relevant information becomes available according to the procedures set forth in 40 C.F.R. § 300.440 (d).

Should you have questions regarding this determination, please feel free to contact me, EPA Region 2's Off-Site Rule contact, at (732) 321-4341 or via email at Region2_OSR@epamail.epa.gov.

Sincerely,

A handwritten signature in dark ink, reading "Beckett Grealish". The signature is written in a cursive style with a large, stylized "B" and "G".

Beckett Grealish, Regional Off-Site Contact
United States Environmental Protection Agency - Region 2